

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

* * *

UNITED STATES OF AMERICA,)
Plaintiff)

V.)

WAYNE A.G. JAMES)

Defendant.)

NO. 15-CR-42

**UNOPPOSED MOTION TO SUPPLEMENT THE RECORD WITH REGARD TO
DEFENDANT'S MOTION TO DISMISS INDICTMENT OR, IN THE ALTERNATIVE,
FOR SUPPRESSION OF EVIDENCE OBTAINED IN VIOLATION OF SPEECH
OR DEBATE IMMUNITY GRANTED BY 48 U.S.C. § 1572 (d)**

NOW COMES defendant Wayne A.G. James, through undersigned counsel, Omodare Jupiter, Federal Public Defender for the District of the Virgin Islands, and Brendan A. Hurson, Assistant Federal Public Defender, to respectfully request that the court allow the defense to supplement the record on the Motion to Dismiss, Docket Entry No. 87. In support of this request, counsel states as follows:

On February 3, 2017. Mr. James filed a motion to dismiss the indictment, or in the alternative to for suppression of evidence obtained in violation of the speech or debate immunity granted by 48 U.S.C. 1572(d). Before filing the motion, counsel made a request to the Virgin Islands Legislature for transcripts of the hearings relating to Bill Number 28-0010. A motion hearing on this matter was scheduled for and held on February 7, 2017 before this court. At the time of the hearing, the stenographers at the

Virgin Islands Legislature had only produced transcripts relating to Committee proceedings in relationship to this bill that occurred in January of 2010 - the day that the bill passed and became a law. Counsel made reference to relevant portions of the available transcript and attached same to the Motion to Dismiss. Counsel also informed the Court yesterday that the additional transcripts were on order, but had not yet been received, and noted that the transcripts contained information relevant to the Motion to Dismiss.

Today, at 10:45 am, the Virgin Islands Legislature produced two more transcripts of Committee hearings on this same legislation. These hearings, one held on May 6, 2009, and another on January 21, 2010, discuss V.I. Senate Bill Number 28-0010: An Act amending Title 1, Virgin Islands Code, Chapter 11, Section 171, commemorating laborers on Contract Day or Fireburn or a day to be revered and remembered in the Virgin Islands.

The transcripts contain the remainder of the discussions by witnesses, senators, and Mr. James himself. Counsel believes the transcripts to be relevant to the pending motion, particularly the May 6, 2009 transcript, and asks that the Court will allow these attached transcripts to be a part of the record. As noted, these transcripts were not available until this morning. The government does not oppose this motion.

WHEREFORE, for the above stated reasons, counsel respectfully requests that this court allow the attached transcripts to be made a part of the record for the Motion to Dismiss. A proposed Order and the transcripts are attached.

DATED: February 08, 2017

Respectfully submitted,

OMODARE B. JUPITER
FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that on the 8th day of February, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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